

AMENDED IN SENATE JUNE 30, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1855

Introduced by Assembly Member Yamada

February 12, 2010

An act to amend Section 22511.55 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1855, as amended, Yamada. Vehicles: disabled person or disabled veteran placard.

Existing

(1) *Existing* law authorizes a disabled person or disabled veteran to apply to the Department of Motor Vehicles for the issuance of a distinguishing placard that may be used in lieu of the special license plate or plates issued for parking in a disabled person's parking space, when the placard is suspended from the rearview mirror or, if there is no rearview mirror, when it is displayed on the dashboard of the vehicle.

Existing law exempts a disabled veteran who applies for a special license plate or plates from payment of the fee that would be charged for registration, except for fees for duplicate plates, certificates, or cards.

This bill would require the department to advise in writing an applicant for a disabled person's or disabled veteran's placard that he or she may be eligible to apply for a special license plate or plates that are exempt from the payment of the registration fee and license fee.

(2) *This bill would incorporate additional changes in Section 22511.55 of the Vehicle Code proposed by AB 1944, or SB 1318, or both, to be operative only if AB 1944, or SB 1318, or both, and this bill are chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22511.55 of the Vehicle Code is amended
2 to read:

3 22511.55. (a) (1) A disabled person or disabled veteran may
4 apply to the department for the issuance of a distinguishing placard.
5 The placard may be used in lieu of the special license plate or
6 plates issued under Section 5007 for parking purposes described
7 in Section 22511.5 when suspended from the rearview mirror or,
8 if there is no rearview mirror, when displayed on the dashboard
9 of a vehicle. It is the intent of the Legislature to encourage the use
10 of distinguishing placards because they provide law enforcement
11 officers with a more readily recognizable symbol for distinguishing
12 vehicles qualified for the parking privilege. The placard shall be
13 the size, shape, and color determined by the department and shall
14 bear the International Symbol of Access adopted pursuant to
15 Section 3 of Public Law 100-641, commonly known as the
16 “wheelchair symbol.” The department shall incorporate instructions
17 for the lawful use of a placard, and a summary of the penalties for
18 the unlawful use of a placard, into the identification card issued
19 to the placard owner.

20 (2) (A) The department may establish procedures for the
21 issuance and renewal of the placards. The procedures shall include,
22 but are not limited to, advising an applicant in writing on the
23 application for a placard of the procedure to apply for a special
24 license plate or plates, as described in Section 5007, and the fee
25 exemptions established pursuant to Section 9105 and in subdivision
26 (a) of Section 10783 of the Revenue and Taxation Code. The
27 placards shall have a fixed expiration date of June 30 every two
28 years. A portion of the placard shall be printed in a contrasting
29 color that shall be changed every two years. The size and color of
30 this contrasting portion of the placard shall be large and distinctive

1 enough to be readily identifiable by a law enforcement officer in
2 a passing vehicle.

3 (B) As used in this section, “year” means the period between
4 the inclusive dates of July 1 through June 30.

5 (C) Prior to the end of each year, the department shall, for the
6 most current three years available, compare its record of disability
7 placards issued against the records of the ~~Bureau of Vital Statistics~~
8 ~~of the State Department of Health Care Services~~ *Office of Vital*
9 *Records of the State Department of Public Health*, or its successor,
10 and withhold any renewal notices that otherwise would have been
11 sent for a placardholder identified as deceased.

12 (3) Except as provided in paragraph (4), a person is not eligible
13 for more than one placard at a time.

14 (4) Organizations and agencies involved in the transportation
15 of disabled persons or disabled veterans may apply for a placard
16 for each vehicle used for the purpose of transporting disabled
17 persons or disabled veterans.

18 (b) (1) Prior to issuing an original distinguishing placard to a
19 disabled person or disabled veteran, the department shall require
20 the submission of a certificate, in accordance with paragraph (2),
21 signed by the physician and surgeon, or to the extent that it does
22 not cause a reduction in the receipt of federal aid highway funds,
23 by a nurse practitioner, certified nurse midwife, or physician
24 assistant, substantiating the disability, unless the applicant’s
25 disability is readily observable and uncontested. The disability of
26 a person who has lost, or has lost use of, one or more lower
27 extremities or one hand, for a disabled veteran, or both hands, for
28 a disabled person, or who has significant limitation in the use of
29 lower extremities, may also be certified by a licensed chiropractor.
30 The blindness of an applicant shall be certified by a licensed
31 physician and surgeon who specializes in diseases of the eye or a
32 licensed optometrist. The physician and surgeon, nurse practitioner,
33 certified nurse midwife, physician assistant, chiropractor, or
34 optometrist certifying the qualifying disability shall provide a full
35 description of the illness or disability on the form submitted to the
36 department.

37 (2) The physician and surgeon, nurse practitioner, certified nurse
38 midwife, physician assistant, chiropractor, or optometrist who
39 signs a certificate submitted under this subdivision shall retain
40 information sufficient to substantiate that certificate and, upon

request of the department, shall make that information available for inspection by the Medical Board of California or the appropriate regulatory board.

(3) The department shall maintain in its records all information on an applicant's certification of permanent disability and shall make that information available to eligible law enforcement or parking control agencies upon a request pursuant to Section 22511.58.

(c) A person who is issued a distinguishing placard pursuant to subdivision (a) may apply to the department for a substitute placard without recertification of eligibility, if that placard is lost or stolen.

(d) The distinguishing placard shall be returned to the department not later than 60 days after the death of the disabled person or disabled veteran to whom the placard was issued.

(e) The department shall print on any distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461. For purposes of this subdivision, the "maximum penalty" is the amount derived from adding all of the following:

(1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

SEC. 1.3. Section 22511.55 of the Vehicle Code is amended to read:

22511.55. (a) (1) A disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special license plate or plates issued under Section 5007 for parking purposes described in Section 22511.5 when suspended from the rearview mirror or, if there is no rearview mirror, when displayed on the dashboard of a vehicle. It is the intent of the Legislature to encourage the use of ~~these~~ distinguishing placards because they provide law enforcement officers with a more readily recognizable symbol for

distinguishing vehicles qualified for the parking privilege. The placard shall be the size, shape, and color determined by the department and shall bear the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641, commonly known as the “wheelchair symbol.” The department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful use of a placard, into the identification card issued to the placard owner.

(2) (A) The department may establish procedures for the issuance and renewal of the placards. *The procedures shall include, but are not limited to, advising an applicant in writing on the application for a placard of the procedure to apply for a special license plate or plates, as described in Section 5007, and the fee exemptions established pursuant to Section 9105 and in subdivision (a) of Section 10783 of the Revenue and Taxation Code.* The placards shall have a fixed expiration date of June 30 every two years. A portion of the placard shall be printed in a contrasting color that shall be changed every two years. The size and color of this contrasting portion of the placard shall be large and distinctive enough to be readily identifiable by a law enforcement officer in a passing vehicle.

(B) As used in this section, “year” means the period between the inclusive dates of July 1 through June 30.

(C) Prior to the end of each year, the department shall, for the most current three years available, compare its record of disability placards issued against the records of the ~~Bureau of Vital Statistics~~ *Office of Vital Records* of the State Department of ~~Health Services~~ *Public Health*, or its successor, and withhold any renewal notices that otherwise would have been ~~sent~~, *sent* for a placardholder identified as deceased.

(3) Except as provided in paragraph (4), a person is not eligible for more than one placard at a time.

(4) Organizations and agencies involved in the transportation of disabled persons or disabled veterans may apply for a placard for each vehicle used for the purpose of transporting disabled persons or disabled veterans.

~~(b) (1) Prior~~ *Except as provided in paragraph (4), prior* to issuing an original distinguishing placard to a disabled person or disabled veteran, the department shall require the submission of a certificate, in accordance with paragraph (2), signed by the

1 physician and surgeon, or to the extent that it does not cause a
2 reduction in the receipt of federal aid highway funds, by a nurse
3 practitioner, certified nurse midwife, or physician assistant,
4 substantiating the disability, unless the applicant's disability is
5 readily observable and uncontested. The disability of a person who
6 has lost, or has lost use of, one or more lower extremities or one
7 hand, for a disabled veteran, or both hands, for a disabled person,
8 or who has significant limitation in the use of lower extremities,
9 may also be certified by a licensed chiropractor. The blindness of
10 an applicant shall be certified by a licensed physician and surgeon
11 who specializes in diseases of the eye or a licensed optometrist.
12 The physician and surgeon, nurse practitioner, certified nurse
13 midwife, physician assistant, chiropractor, or optometrist certifying
14 the qualifying disability shall provide a full description of the
15 illness or disability on the form submitted to the department.

16 (2) The physician and surgeon, nurse practitioner, certified nurse
17 midwife, physician assistant, chiropractor, or optometrist who
18 signs a certificate submitted under this subdivision shall retain
19 information sufficient to substantiate that certificate and, upon
20 request of the department, shall make that information available
21 for inspection by the Medical Board of California or the appropriate
22 regulatory board.

23 (3) The department shall maintain in its records all information
24 on an applicant's certification of permanent disability and shall
25 make that information available to eligible law enforcement or
26 parking control agencies upon a request pursuant to Section
27 22511.58.

28 (4) *For a disabled veteran, the department shall accept, in lieu*
29 *of the certificate described in paragraph (1), a certificate from the*
30 *United States Department of Veterans Affairs that certifies that*
31 *the applicant is a disabled veteran as described in Section 295.7.*

32 (c) A person who is issued a distinguishing placard pursuant to
33 subdivision (a) may apply to the department for a substitute placard
34 without recertification of eligibility, if that placard is lost or stolen.

35 (d) The distinguishing placard shall be returned to the
36 department not later than 60 days after the death of the disabled
37 person or disabled veteran to whom the placard was issued.

38 (e) The department shall print on any distinguishing placard
39 issued on or after January 1, 2005, the maximum penalty that may
40 be imposed for a violation of Section 4461. For the purposes of

1 this subdivision, the “maximum penalty” is the amount derived
2 from adding all of the following:

3 (1) The maximum fine that may be imposed under Section 4461.

4 (2) The penalty required to be imposed under Section 70372 of
5 the Government Code.

6 (3) The penalty required to be levied under Section 76000 of
7 the Government Code.

8 (4) The penalty required to be levied under Section 1464 of the
9 Penal Code.

10 (5) The surcharge required to be levied under Section 1465.7
11 of the Penal Code.

12 (6) The penalty authorized to be imposed under Section 4461.3.

13 *SEC. 1.5. Section 22511.55 of the Vehicle Code is amended to*
14 *read:*

15 22511.55. (a) (1) A disabled person or disabled veteran may
16 apply to the department for the issuance of a distinguishing placard.
17 The placard may be used in lieu of the special license plate or
18 plates issued under Section 5007 for parking purposes described
19 in Section 22511.5 when (A) suspended from the rearview-mirror
20 ~~or, mirror~~; (B) if there is no rearview mirror, when displayed on
21 the dashboard of a ~~vehicle~~ vehicle, or (C) inserted in a clip
22 designated for a distinguishing placard and installed by the
23 manufacturer on the driver’s side of the front window. It is the
24 intent of the Legislature to encourage the use of ~~these~~
25 distinguishing placards because they provide law enforcement
26 officers with a more readily recognizable symbol for distinguishing
27 vehicles qualified for the parking privilege. The placard shall be
28 the size, shape, and color determined by the department and shall
29 bear the International Symbol of Access adopted pursuant to
30 Section 3 of Public Law 100-641, commonly known as the
31 “wheelchair symbol.” The department shall incorporate instructions
32 for the lawful use of a placard, and a summary of the penalties for
33 the unlawful use of a placard, into the identification card issued
34 to the placard owner.

35 (2) (A) The department may establish procedures for the
36 issuance and renewal of the placards. *The procedures shall include,*
37 *but are not limited to, advising an applicant in writing on the*
38 *application for a placard of the procedure to apply for a special*
39 *license plate or plates, as described in Section 5007, and the fee*
40 *exemptions established pursuant to Section 9105 and in subdivision*

1 (a) of Section 10783 of the Revenue and Taxation Code. The
2 placards shall have a fixed expiration date of June 30 every two
3 years. A portion of the placard shall be printed in a contrasting
4 color that shall be changed every two years. The size and color of
5 this contrasting portion of the placard shall be large and distinctive
6 enough to be readily identifiable by a law enforcement officer in
7 a passing vehicle.

8 (B) As used in this section, “year” means the period between
9 the inclusive dates of July 1 through June 30.

10 (C) Prior to the end of each year, the department shall, for the
11 most current three years available, compare its record of disability
12 placards issued against the records of the ~~Bureau of Vital Statistics~~
13 *Office of Vital Records* of the State Department of ~~Health Services~~
14 *Public Health*, or its successor, and withhold any renewal notices
15 that otherwise would have been ~~sent~~, *sent* for a placardholder
16 identified as deceased.

17 (3) Except as provided in paragraph (4), a person ~~is~~ *shall* not
18 *be* eligible for more than one placard at a time.

19 (4) Organizations and agencies involved in the transportation
20 of disabled persons or disabled veterans may apply for a placard
21 for each vehicle used for the purpose of transporting disabled
22 persons or disabled veterans.

23 (b) (1) Prior to issuing an original distinguishing placard to a
24 disabled person or disabled veteran, the department shall require
25 the submission of a certificate, in accordance with paragraph (2),
26 signed by the physician and surgeon, or to the extent that it does
27 not cause a reduction in the receipt of federal aid highway funds,
28 by a nurse practitioner, certified nurse midwife, or physician
29 assistant, substantiating the disability, unless the applicant’s
30 disability is readily observable and uncontested. The disability of
31 a person who has lost, or has lost use of, one or more lower
32 extremities or one hand, for a disabled veteran, or both hands, for
33 a disabled person, or who has significant limitation in the use of
34 lower extremities, may also be certified by a licensed chiropractor.
35 The blindness of an applicant shall be certified by a licensed
36 physician and surgeon who specializes in diseases of the eye or a
37 licensed optometrist. The physician and surgeon, nurse practitioner,
38 certified nurse midwife, physician assistant, chiropractor, or
39 optometrist certifying the qualifying disability shall provide a full

1 description of the illness or disability on the form submitted to the
2 department.

3 (2) The physician and surgeon, nurse practitioner, certified nurse
4 midwife, physician assistant, chiropractor, or optometrist who
5 signs a certificate submitted under this subdivision shall retain
6 information sufficient to substantiate that certificate and, upon
7 request of the department, shall make that information available
8 for inspection by the Medical Board of California or the appropriate
9 regulatory board.

10 (3) The department shall maintain in its records all information
11 on an applicant's certification of permanent disability and shall
12 make that information available to eligible law enforcement or
13 parking control agencies upon a request pursuant to Section
14 22511.58.

15 (c) A person who is issued a distinguishing placard pursuant to
16 subdivision (a) may apply to the department for a substitute placard
17 without recertification of eligibility, if that placard is lost or stolen.

18 (d) The distinguishing placard shall be returned to the
19 department not later than 60 days after the death of the disabled
20 person or disabled veteran to whom the placard was issued.

21 (e) The department shall print on any distinguishing placard
22 issued on or after January 1, 2005, the maximum penalty that may
23 be imposed for a violation of Section 4461. For the purposes of
24 this subdivision, the "maximum penalty" is the amount derived
25 from adding all of the following:

26 (1) The maximum fine that may be imposed under Section 4461.

27 (2) The penalty required to be imposed under Section 70372 of
28 the Government Code.

29 (3) The penalty required to be levied under Section 76000 of
30 the Government Code.

31 (4) The penalty required to be levied under Section 1464 of the
32 Penal Code.

33 (5) The surcharge required to be levied under Section 1465.7
34 of the Penal Code.

35 (6) The penalty authorized to be imposed under Section 4461.3.

36 *SEC. 1.7. Section 22511.55 of the Vehicle Code is amended to*
37 *read:*

38 22511.55. (a) (1) A disabled person or disabled veteran may
39 apply to the department for the issuance of a distinguishing placard.
40 The placard may be used in lieu of the special license plate or

1 plates issued under Section 5007 for parking purposes described
2 in Section 22511.5 when (A) suspended from the rearview mirror
3 or, mirror; (B) if there is no rearview mirror, when displayed on
4 the dashboard of a vehicle, or (C) inserted in a clip
5 designated for a distinguishing placard and installed by the
6 manufacturer on the driver's side of the front window. It is the
7 intent of the Legislature to encourage the use of these
8 distinguishing placards because they provide law enforcement
9 officers with a more readily recognizable symbol for distinguishing
10 vehicles qualified for the parking privilege. The placard shall be
11 the size, shape, and color determined by the department and shall
12 bear the International Symbol of Access adopted pursuant to
13 Section 3 of Public Law 100-641, commonly known as the
14 "wheelchair symbol." The department shall incorporate instructions
15 for the lawful use of a placard, and a summary of the penalties for
16 the unlawful use of a placard, into the identification card issued
17 to the placard owner.

18 (2) (A) The department may establish procedures for the
19 issuance and renewal of the placards. The procedures shall include,
20 but are not limited to, advising an applicant in writing on the
21 application for a placard of the procedure to apply for a special
22 license plate or plates, as described in Section 5007, and the fee
23 exemptions established pursuant to Section 9105 and in subdivision
24 (a) of Section 10783 of the Revenue and Taxation Code. The
25 placards shall have a fixed expiration date of June 30 every two
26 years. A portion of the placard shall be printed in a contrasting
27 color that shall be changed every two years. The size and color of
28 this contrasting portion of the placard shall be large and distinctive
29 enough to be readily identifiable by a law enforcement officer in
30 a passing vehicle.

31 (B) As used in this section, "year" means the period between
32 the inclusive dates of July 1 through June 30.

33 (C) Prior to the end of each year, the department shall, for the
34 most current three years available, compare its record of disability
35 placards issued against the records of the Bureau of Vital Statistics
36 Office of Vital Records of the State Department of Health Services
37 Public Health, or its successor, and withhold any renewal notices
38 that otherwise would have been sent, sent for a placardholder
39 identified as deceased.

1 (3) Except as provided in paragraph (4), a person ~~is~~ *shall* not
2 *be* eligible for more than one placard at a time.

3 (4) Organizations and agencies involved in the transportation
4 of disabled persons or disabled veterans may apply for a placard
5 for each vehicle used for the purpose of transporting disabled
6 persons or disabled veterans.

7 (b) (1) ~~Prior~~ *Except as provided in paragraph (4), prior to*
8 *issuing an original distinguishing placard to a disabled person or*
9 *disabled veteran, the department shall require the submission of a*
10 *certificate, in accordance with paragraph (2), signed by the*
11 *physician and surgeon, or to the extent that it does not cause a*
12 *reduction in the receipt of federal aid highway funds, by a nurse*
13 *practitioner, certified nurse midwife, or physician assistant,*
14 *substantiating the disability, unless the applicant's disability is*
15 *readily observable and uncontested. The disability of a person who*
16 *has lost, or has lost use of, one or more lower extremities or one*
17 *hand, for a disabled veteran, or both hands, for a disabled person,*
18 *or who has significant limitation in the use of lower extremities,*
19 *may also be certified by a licensed chiropractor. The blindness of*
20 *an applicant shall be certified by a licensed physician and surgeon*
21 *who specializes in diseases of the eye or a licensed optometrist.*
22 *The physician and surgeon, nurse practitioner, certified nurse*
23 *midwife, physician assistant, chiropractor, or optometrist certifying*
24 *the qualifying disability shall provide a full description of the*
25 *illness or disability on the form submitted to the department.*

26 (2) The physician and surgeon, nurse practitioner, certified nurse
27 midwife, physician assistant, chiropractor, or optometrist who
28 signs a certificate submitted under this subdivision shall retain
29 information sufficient to substantiate that certificate and, upon
30 request of the department, shall make that information available
31 for inspection by the Medical Board of California or the appropriate
32 regulatory board.

33 (3) The department shall maintain in its records all information
34 on an applicant's certification of permanent disability and shall
35 make that information available to eligible law enforcement or
36 parking control agencies upon a request pursuant to Section
37 22511.58.

38 (4) *For a disabled veteran, the department shall accept, in lieu*
39 *of the certificate described in paragraph (1), a certificate from the*

1 *United States Department of Veterans Affairs that certifies that*
2 *the applicant is a disabled veteran as described in Section 295.7.*

3 (c) A person who is issued a distinguishing placard pursuant to
4 subdivision (a) may apply to the department for a substitute placard
5 without recertification of eligibility, if that placard is lost or stolen.

6 (d) The distinguishing placard shall be returned to the
7 department not later than 60 days after the death of the disabled
8 person or disabled veteran to whom the placard was issued.

9 (e) The department shall print on any distinguishing placard
10 issued on or after January 1, 2005, the maximum penalty that may
11 be imposed for a violation of Section 4461. For the purposes of
12 this subdivision, the “maximum penalty” is the amount derived
13 from adding all of the following:

14 (1) The maximum fine that may be imposed under Section 4461.

15 (2) The penalty required to be imposed under Section 70372 of
16 the Government Code.

17 (3) The penalty required to be levied under Section 76000 of
18 the Government Code.

19 (4) The penalty required to be levied under Section 1464 of the
20 Penal Code.

21 (5) The surcharge required to be levied under Section 1465.7
22 of the Penal Code.

23 (6) The penalty authorized to be imposed under Section 4461.3.

24 SEC. 2. (a) *Section 1.3 of this bill incorporates amendments*
25 *to Section 22511.55 of the Vehicle Code proposed by both this bill*
26 *and AB 1944. It shall only become operative if (1) both bills are*
27 *enacted and become effective on or before January 1, 2011, (2)*
28 *each bill amends Section 22511.55 of the Vehicle Code, (3) SB*
29 *1318 is not enacted or as enacted does not amend that section,*
30 *and (4) this bill is enacted after AB 1944, in which case Sections*
31 *1, 1.5, and 1.7 of this bill shall not become operative.*

32 (b) *Section 1.5 of this bill incorporates amendments to Section*
33 *22511.55 of the Vehicle Code proposed by both this bill and SB*
34 *1318. It shall only become operative if (1) both bills are enacted*
35 *and become effective on or before January 1, 2011, (2) each bill*
36 *amends Section 22511.55 of the Vehicle Code, (3) AB 1944 is not*
37 *enacted or as enacted does not amend that section, and (4) this*
38 *bill is enacted after SB 1318, in which case Sections 1, 1.3, and*
39 *1.7 of this bill shall not become operative.*

1 (c) Section 1.7 of this bill incorporates amendments to Section
2 22511.55 of the Vehicle Code proposed by this bill, AB 1944, and
3 SB 1318. It shall only become operative if (1) all three bills are
4 enacted and become effective on or before January 1, 2011, (2)
5 all three bills amend Section 22511.55 of the Vehicle Code, and
6 (3) this bill is enacted after both AB 1944 and SB 1318, in which
7 case Sections 1, 1.3, and 1.5 of this bill shall not become operative.

O